



June 4, 2002

Ms. Cathy Bradford
Open Records Coordinator
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3291

OR2002-3038

Dear Ms. Bradford:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 163783.

The Texas Parks and Wildlife Department (the "Department") received a request for "licensing information regarding all individuals that have been granted a hunting license." You inform us that, in response to your request for clarification of the request, the requestor indicated that he intended to provide the Department a list of 13 million individuals and would ask the Department to run a license records search on all 13 million individuals. You state that the Department sought additional information from the requestor concerning the nature of the list, but the requestor has not provided this information to the Department. You also state that the requestor has not provided the Department the list of 13 million individuals. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have reviewed the submitted information.

The Public Information Act permits a governmental body to ask a requestor to clarify the request and to discuss with the requestor how the scope of a request might be narrowed. Gov't Code § 552.222(b). While a governmental body and a requestor are communicating in good faith to clarify or narrow a request, the duty to respond to the request is tolled until the governmental body's receipt of the clarification or narrowing response. *See* Open Records Decision No. 663 (1999). In this case, the requestor has not responded to the Department's request for information about the list or submitted to the Department the list of 13 million individuals whose license records the requestor seeks. Until the requestor

responds, we need not address your claimed exception to the required public disclosure of the requested information.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

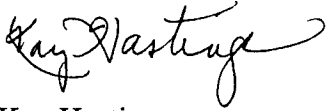
If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code

§ 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

KH/seg

Ref: ID# 163783

Enc: Submitted documents

c: Mr. Wayne Hamilton
Executive Director
Republican Party of Texas
211 East 7th Street, Suite 620
Austin, Texas 78701
(w/o enclosures)